

Amendments to the Claims

The listing of claims below will replace all prior versions and listings of claims in the application. The changes to currently amended claims are shown using strikethrough to identify deleted material and underlining to identify added material.

Listing of Claims:

1-10. (canceled)

11. (currently amended) A bacteria measuring apparatus comprising:
a sampling device for sampling a sample comprising fluorescently stained bacteria;
a first detector for detecting size information from each-bacterium of the bacteria in the sample;
a second detector for detecting fluorescence information expressing intensity of fluorescent light emitted from each-bacterium of the bacteria in the sample; and
a control unit configured for performing operations comprising:
creating a scattergram of the bacteria using the size information and the fluorescence information as parameters, for,
analyzing distribution of the bacteria in the scattergram, and for; and
determining whether the bacteria in the sample is bacillus or coccus
based on an analysis result.

12. (currently amended) The apparatus of Claim 11, wherein the control unit
determines analyzing is performed so as to obtain a value representing a state of the distribution as the analysis result.

13. (currently amended) The apparatus of Claim 11, wherein the control unit
determines analyzing is performed so as to obtain a maximum variance direction of the distribution as the analysis result.

14. (currently amended) The apparatus of Claim 13, wherein the control unit determines analyzing is performed so as to obtain a slope of the maximum variance direction as the analysis result based on the maximum variance direction.

15. (original) The apparatus of Claim 11, wherein the first detector detects scattered light obtained from the bacteria.

16. (original) The apparatus of Claim 11, wherein the first detector comprises:
a member having a pore for passing through the bacteria; and
first and second electrodes;
wherein the first detector detects electrical resistance between the first and the second electrodes, which is generated by passage of the bacteria through the pore.

17. (original) The apparatus of Claim 11, further comprising:
a flow cell for flowing the sample comprising the bacteria; and
a laser light source for irradiating the sample within the flow cell;
wherein the first detector detects scattered light emitted from the bacteria in the sample irradiated by the laser light source; and
wherein the second detector detects the fluorescent light emitted from the bacteria in the sample irradiated by the laser light source.

18. (original) The apparatus of Claim 11, further comprising:
a specimen holding part for placement of a specimen;
a reagent holding part for placement of fluorescent dye reagent; and
a mixing part for preparing a sample by mixing the specimen and the fluorescent dye reagent.

19. (original) The apparatus of Claim 11, further comprising an output part for outputting a result determined by the control unit.

20. (currently amended) The apparatus of Claim 19, wherein the output part outputs a warning when the control unit has determined that determining it is difficult to determine a type of the bacteria type is difficult.

21. (currently amended) The apparatus of Claim 19, wherein the output part outputs a degree of reliability for a type of the bacteria determined by the control unit.

22-24. (canceled)

25. (currently amended) A bacteria measuring apparatus comprising:
a sampling device for sampling a sample comprising fluorescently stained bacteria;
a first detector for detecting size information from each bacterium of the bacteria in the sample;
a second detector for detecting fluorescence information expressing intensity of fluorescent light emitted from each bacterium of the bacteria in the sample; and
a control unit configured for performing operations comprising:
analyzing the size information and the fluorescence information, and for obtained from the bacteria; and
determining whether the bacteria in the sample is are bacillus or coccus based on an analysis result.

26. (currently amended) The apparatus of claim 25, further comprising an output part,
wherein the control unit creates operations further comprise creating a scattergram based on the size information and the fluorescence information obtained from the bacteria, and the output part outputs the created scattergram-created.

27. (canceled)